

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

ALFREDO GONZALEZ,)	
)	
Plaintiff,)	
)	Case No. 22 CV 06496
v.)	
)	
REYNALDO GUEVARA, JOANN)	Hon. Judge John F. Kness
HALVORSEN as PERSONAL)	
REPRESENTATIVE of the ESTATE OF)	
ERNEST HALVORSEN, EDWARD)	
MINGEY, STEVEN GAWRYS, LEE)	
EPPLEN, FERNANDO MONTILLA,)	
ROLAND PAULNITSKY, RICHARD)	
SCHAK, ROBERT SMITKA, JENNIFER)	
BOROWITZ, FRANK DiFRANCO, JOHN)	
PERKAUS, the CITY OF CHICAGO, and)	
COOK COUNTY,)	
)	
Defendants.)	JURY TRIAL DEMANDED

**DEFENDANTS, SCHAK, MINGEY, GAWRYS, EPPLEN, MONTILLA, PAULNITSKY,
YANOW, GUEVARA, BOROWITZ, DIFRANCO, AND PERKAUS', OPPOSED
MOTION FOR AN EXTENSION TO ANSWER CERTAIN WRITTEN DISCOVERY**

Defendants Richard Schak, Edward Mingey, Steven Gawrys, Lee Epplen, Fernando Montilla, Roland Paulnitsky, Geri Lynn Yanow as Special Representative of Ernest Halvorsen and Robert Smitka, deceased, Reynaldo Guevara, Jennifer Borowitz, Frank DiFranco and John Perkaus (collectively "Individual Defendants"), by and through their undersigned attorneys, respectfully request this Honorable Court grant them a one week extension to respond to certain of Plaintiff's written discovery requests, up to and including February 28, 2024. In support thereof, Individual Defendants state as follows:

1. In December 2023, the parties received certain of Plaintiff's recorded prison calls from the Illinois Department of Corrections.

2. On January 22, 2024, Plaintiff served all Defendants with fifty-five (55) Requests to Admit (Plaintiff's Second Set of Requests for Admission) and all the Individual Defendants with two (2) Requests for Interrogatories (Plaintiff's Third Request for Interrogatories) related to the content of Plaintiff's recorded prison calls.

3. These discovery requests require Defendants to have reviewed all recorded calls received from the Illinois Department of Corrections. While Defendants have been diligently reviewing the calls, Defendants are still working to complete their review.

4. Defendants City, Schak, Mingey, Gawrys, Epplen, Montilla, Paulnitsky, Yanow as Special Representative of Halvorsen and Smitka, deceased, Jennifer Borowitz, Frank DiFranco and John Perkaus, served their respective Responses to Plaintiff's Request for Admission timely on February 21, 2024.

5. However, the Individual Defendants need additional time (one week) to serve their responses to Plaintiff's Third Request for Interrogatories, up to and including February 28, 2024.

6. In addition, Defendant Guevara needs additional time (one week) to serve his responses to Plaintiff's Second Set of Requests for Admission, up to and including February 28, 2024.

7. The Individual Defendants require a short extension due to other professional and personal obligations, in addition to the fact that the Individual City Defendants are elderly and retired. Some of the Individual City Defendants also suffer from significant health issues.

8. On February 21, 2024, counsel for the Individual City Defendants, Allison L. Romelfanger, and counsel for the Individual Cook County State's Attorney, Michael Stephenson, asked Plaintiff if the parties could agree to a short, one week extension for the Individual

Defendants' interrogatory responses. At that time, counsel for Plaintiff indicated that Plaintiff objected to "any extensions" because of Plaintiff's scheduled deposition (currently set for February 28, 2024) and what Plaintiff believed to be insufficient request to admit responses.

9. That same day in an effort to confer pursuant to counsel's obligations under this Court's standing orders and L.R. 37.2, counsel for the Individual City Defendants, Allison L. Romelfanger, attempted to clarify that the extension was needed because of the aforementioned issues. However, as of the time of this filing, the Individual City Defendants did not receive a response as to whether Plaintiff still objected to an additional week extension.

10. Because of the timing of this motion (the deadline for responses under Fed. R. Civ. P. 33 and 36 is today, February 21, 2024), Plaintiff's indication that he would object to any extensions, and in order to not waive any objections and/or any other relief related to Plaintiff's discovery requests, it was impracticable for the parties to be able to confer via videoconferencing prior to the filing of this motion, and therefore, Individual Defendants are filing this motion as opposed.

WHEREFORE, Defendants, Richard Schak, Edward Mingey, Steven Gawrys, Lee Epplen, Fernando Montilla, Roland Paulnitsky, Geri Lynn Yanow as Special Representative of Ernest Halvorsen and Robert Smitka, deceased, Reynaldo Guevara, Jennifer Borowitz, Frank DiFranco and John Perkaus, respectfully request this Honorable Court grant their motion for an extension of time to answer certain written discovery up to and including February 28, 2024, and for such other relief as the Court deems appropriate.

Dated: February 21, 2024

Respectfully submitted,

/s/Allison L. Romelfanger

Allison L. Romelfanger, Atty No. 6310033

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CERTIFICATE OF SERVICE

I, Allison L. Romelfanger, an attorney, certify under penalty of perjury, pursuant to 28 U.S.C.A. § 1746, that on **February 21, 2024**, I electronically filed the foregoing **DEFENDANTS, SCHAK, MINGEY, GAWRYS, EPPLEN, MONTILLA, PAULNITSKY, YANOW, GUEVARA, BOROWITZ, DIFRANCO, AND PERKAUS', OPPOSED MOTION FOR AN EXTENSION TO ANSWER CERTAIN WRITTEN DISCOVERY** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants listed in the below service list.

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/s/ Allison L. Romelfanger
Allison L. Romelfanger

ATTORNEY CERTIFICATION

I, Allison L. Romelfanger, an attorney, hereby certify that Plaintiff served his Second Requests for Admissions and Third Request for Interrogatories on Defendants on January 22, 2024, and that under Fed. R. Civ. P. 33 and 36, such responses are due today, February 21, 2024. On February 21, 2024, at approximately 3:38 p.m., as noted above, I reached out to counsel for Plaintiff, Sean Starr, regarding the aforementioned requested extension. (*See* correspondence attached hereto as Exhibit 1). At approximately 5:04 p.m., counsel for Cook County, Michael Stephenson, also reached out to counsel for Plaintiff regarding the aforementioned requested extension. (*See id.*) Thereafter at approximately 5:41p.m., counsel for Plaintiff indicated that Plaintiff would object to “any extension” because of Plaintiff’s deposition set for February 28, 2024, and what Plaintiff believed to be deficient request to admit responses. (*See id.*) In further attempt to explain the need for the extension, I again reached out at approximately 6:44 p.m. to explain that the extension was needed based on the retired status and health issues of some of the Individual City Defendants, and requested counsel to confirm that Plaintiff would continue to object to a one-week extension. (*See id.*) However, a response was not received to this last email. Because of the timing of this motion, Plaintiff’s indication that he objected to any extension, and in order to not waive any objections and/or relief to Plaintiff’s propounded discovery, it was impracticable for the parties to be able to confer via videoconferencing prior to the filing of this motion. As a result, the Individual Defendants are filing this motion as opposed.

/s/ Allison L. Romelfanger